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Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: RM-10425 – Lawson Part 11 request

Following are comments opposing the changes to the EAS Part 11 rules requested in RM-10425. My company is an implementer of EAS systems, both large and small, that are in use in thousands of radio, TV, and cable systems, and that are used by Federal, State, and Local emergency officials, as well as industry based community warning systems. As a consultant to Sage Alerting Systems, I've been an active EAS participant since the pre-Part 11 field trials.

My concern with the requests in RM-10425 is that they provide a set of capabilities that are severely reduced from that of other broadcast and cable outlets, resulting in an underclass of citizens whose notification options are reduced. My comments, based on cost, size, and missing capabilities are detailed below. I believe that the initiatives begun in the FCC's most recent Part-11 modifications such as changes to the decoder only rules, and market pressures, will result in the desired effect – a lower cost to smaller users, and a standard level of service across the country.

Throughout the several year history of EAS, the FCC has resisted the calls to reduce EAS functionally and general applicability, most recently in the April 2002 Report and Order. By continuing to hold all who broadcast (or redistribute) in the public interest to a common standard, the EAS system is strengthened, and the public is served, no matter where they live or what channel they are watching.

Comments.

- 1) The petition seeks to authorize a limited function EAS decoder for small cable systems, which Lawson defines as less than 5000 subscribers. Cost is generally cited as the primary driver for this type of request. In the past, costs for a full encoder/decoder for smaller systems have been \$10,000 or more. Prices have been falling. In early May, prices from one large supplier were less than \$7000 for an 80 channel system, and less than \$6000 for a 60 channel system. Prices for smaller systems are less than \$5000. These prices are for full interrupt systems, not just the EAS encoder/decoder element. Prices are expected to fall further for systems that address the April decoder-only rules.

At this level and falling, systems with 5000 subscribers should be able to provide their users with the same level of service available to other systems. Cable systems in this size class have

had 5 years advance notice of the need to budget for Part 11 compliance, and the costs are in line with those shouldered by other small broadcasters. Hardship waivers, or use of severely reduced systems such as proposed in RM-10425, should be limited to the very smallest of the small systems.

- 2) The FCC and various EAS stakeholders have recently gone through a lengthy period of proposals and comments resulting in the Report and Order of April 16 2002, which redefined the rules for small cable operators, LPFM stations, and decoder-only implementations. The industry has been challenged to provide a low cost option while still providing full EAS functionality, including multiple receivers for redundancy, the ability to override a low priority test with an EAN, and logging functions to ensure compliance. Though the ink is barely dry (the new rules didn't take effect until May 16, 2002), at least two vendors are working on a decoder-only option as specified in the new rules. Before giving up on the full decoder-only option, we should allow time for industry to address the market within the new rules. The FCC already had an option of reducing EAS capability at smaller outlets, and chose not to do so, continuing to mandate reliable, enforceable EAS.
- 3) Functions lost in the RM-10425 proposal:
 - a) Logging. There is no requirement to log alerts received or "passed through", making testing and compliance inspection problematic.
 - b) Redundancy. Only a single broadcast station is monitored for alerts. If the monitored station is off the air or not receivable due to weather, equipment problems at the broadcast site or the cable head end, or operator error, alerts will not be passed through. Standard decoders require a minimum of two audio inputs, to increase the chances of an alert reaching viewers. Many state plans use three or four receivers.
 - c) Coverage. A single local TV station may not be available that overlaps all of the locations served by the cable system (too few alerts), or the TV station coverage may be far greater than the cable coverage (too many alerts).
 - d) Access to state, local, and NWS alerts. Many TV stations subscribe to weather reporting services that use crawls, maps, warning beeps, etc. Many TV stations do not use EAS to put weather or other warnings on the air. Likewise, the new "Amber" code is likely to be handled by a crawl or a news break, and not by EAS. A local TV station is probably the least likely entity to send non-mandatory EAS alerts, opting instead for live coverage and news breaks. Small cable providers may not be able to find a broadcaster to do the job of providing EAS alerts to the cable system.

Cable systems are not required to carry the "voluntary" codes, no one is. Many stations do participate in state and local systems, however. All current EAS hardware can participate, and that is one of the great strengths of EAS – a common set of technical standards and functionality that allows local standards of use. By allowing the system proposed by RM-10425, the FCC would practically guarantee that the applicable cable systems would not participate in evolving local and state initiatives.

- e) Loss of ability for subscribers to use an EAS receiver on cable-system audio, and loss of the EAS data tones as an audience attention signal. In RM-10425, the cable system is "passing through" audio once an EAS alert has been detected. An alert can only be detected after

two EAS headers have been received. At best, the pass through audio can only include a single header, and in cases where one of the first two headers was not received, the audio switch will occur only after the 3rd header is heard. In that case, no EAS headers will be sent on the cable system (except on the monitored channel). If the interrupt switching takes longer than one second to occur, a complete EAS header will never appear on any channel of the cable system.

The end result of these lost functions is a system that has far less reliability, enforceability, and general utility.

- 4) Single Vendor Solution. As this proposal is being introduced very late in the game, timing favors the vendor making the proposal. The patent status of the proposed solution is unknown as well. The FCC should carefully consider making a last minute change to a set of functionality that has been well honed when the finish line of the goal to mandate a nation-wide alerting system with common standards and functionality is in sight.

Respectfully submitted,

/s/

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